

Form 7-PBN



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Notice of Planning Board Hearing

Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c. 40A, § 5

The Planning Board of the Town of Eastham will hold a public hearing to discuss proposed amendments to the town's zoning by-laws. The public hearing will be held as follows:

Place: Earle Mountain Hearing Room, Town Hall, 2500 State Highway
Date: January 21, 2010
Time: 5:00 PM

The subject matter of the proposed amendments is/are as indicated below (*attach additional sheets if necessary*). The complete text and maps relative to the proposed amendments are available for inspection during regular business hours at the following place(s):*

Place: Planning Department
Place: Town Clerk
Place: _____

Article Number	Subject Matter of Proposed Amendments Sufficient for Identification
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LEGAL NOTICE

Pursuant to the provisions of MGL 40A §5, the Eastham Planning Board will hold a public hearing on January 21, 2010 at 5:00 pm in the Earle Mountain Hearing Room, Eastham Town Hall, 2500 State Highway, Eastham, MA. The purpose of the hearing is to accept public comments on the following proposed amendments to the Zoning By-laws. All proposed text may be inspected at the Eastham Town Clerk's Office or the Eastham Planning Department at the above address, during regular business hours Monday-Friday 8:00 AM – 4:00 PM.

1. Article ## To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by adding the following definitions in appropriate alphabetical order:

FULLY SHIELDED LIGHT FIXTURE – A light fixture closed at the top with shielding so that the lower edge of the shield is at or below the center line of the light source or lamp so as to minimize the light rays emitted above the horizontal plane.

* **Note:** The above information is *strictly required* by M.G.L. c. 40A, § 5.

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GLARE – Light emitted from a lamp with intensity great enough to produce a reduction in a typical viewer's ability to see.

LAMP – A bulb, which is a component of a light fixture. It consists of an outer glass envelope and a metal base enclosing a filament or arc tube and electrodes.

LIGHT FIXTURE – A lighting device that may be secured to a wall, ceiling, pole, or post and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

LIGHT TRESPASS – The shining of direct light produced by a light fixture onto an abutting lot, parcel, or street.

MUNICIPAL WIND FACILITY - Any wind facility on Town-owned property.

or take any action relative thereto.

By Planning Board

Summary:

This article amends the definitions section of the Town of Eastham's Zoning By-laws by adding critical definitions which will assist in clarifying limitations related to municipal wind facilities and outdoor lighting.

2. Article ## To see if the Town will vote to amend Section XIII of the Town of Eastham Zoning By-laws by adding after G.4, the following section:

G.5. Control of Glare and Light Trespass.

A. To the greatest extent feasible, all light fixtures shall be equipped with whatever shielding, lenses, or cutoff devices are necessary to eliminate light trespass onto any street or abutting lot or parcel and to minimize glare to persons on any street or abutting lot or parcel.

B. All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded, and directed downward, except that architectural features such as building sections, spires, American flags, or landscaping features may be up-lit to a limited extent, provided that the applicant demonstrates that glare and light trespass are minimized to the extent reasonably possible and consistent with the purposes of this bylaw.

C. All light fixtures shall also be positioned on the site so as to direct light into the site, lot or parcel and away from the property boundaries of the site and away from abutting properties.

or take any action relative thereto.

By Planning Board

Summary:

This article will require proper placement and shielding for outdoor lighting for new projects. The Site plan review provisions of the bylaw will make use of these stated limits when reviewing new projects.

3. Article ## To see if the Town will vote to amend Section XII.G of the Town of Eastham Zoning By-laws by removing the following words from the first sentence, after the word Authority, "under Sections XIII, XX and XXI of this by-law," so that it reads as follows:

G. The Planning Board when sitting as a Special Permit Granting Authority may impose a reasonable fee on the applicant for the employment of outside consultants. Upon the selection of an outside consultant by majority vote of the Planning Board, the applicant has 30 days to appeal the selection to the Board of Selectmen pursuant to the grounds set forth in M.G.L. c. 44, sec.

53G.

or take any action relative thereto.

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By Planning Board

Summary:

This article will allow the use of outside consultants when the Planning Board is acting as the Special Permit Granting Authority. This provision was previously adopted but its application was limited to Commercial Site Plan Approval and Wind Energy projects. State statute allows the hiring of such experts at the expense of the applicant.

4. Article ## To see if the Town will vote to amend the Town of Eastham Zoning By-laws by deleting Section XIII.B.1 in its entirety, and replacing it with the following:

B. PROJECTS REQUIRING SITE PLAN SPECIAL PERMITS:

1. No building permit shall be issued for any of the following uses unless a Site Plan Special Permit has been granted by the Planning Board. The Planning Board shall not issue a special permit until all necessary zoning relief has been granted from the Zoning Board of Appeals. or take any action relative thereto.

By Planning Board

Summary:

This article will reverse the order in which permits are sought. Applicants will be allowed to seek zoning board of appeals approval of projects, if necessary, before incurring the expense of the more complex Site Plan Review process.

5. Article ## To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by amending the following definition by adding the **bold text**:

BUILDING HEIGHT – The vertical distance, not to exceed thirty (30) feet, between the highest point of the roof and the average elevation of the naturally existing mean grade (**the measurements taken at the corners of the structure**) prior to any excavation, leveling, grading, or filling at the building foundation, exclusive of chimneys, air shafts, ventilators, vents, **lightning rods not exceeding twelve (12) inches in height**, or similar items which may be of the height required for proper operation or use. Building height applies to all buildings and/or structures. **The building shall remain in compliance with the height requirement after final grading.**

or take any action relative thereto.

By Planning Board

Summary:

This article amends the existing definition by clarifying the purpose and methodology in calculating the height of buildings.

6. Article ## To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by adding the following definition in appropriate alphabetical order:

CUPOLA – A traditional decorative (non-functional) structure on top of a roof. Cupolas measuring not more than three (3) feet wide, three (3) feet deep, and four (4) feet tall (above the roof ridge) are exempt from the building height limit.

or take any action relative thereto.

By Planning Board

Summary:

This article amends the definitions section of the Town of Eastham's Zoning By-laws by adding a definition which regulates the use of cupolas that exceed the thirty (30) foot building height limit.

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7. Article ## To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by amending the following definition by striking and deleting the phrase “or a portion of a main building”:

BUILDING, ACCESSORY – A supplemental building ~~or a portion of a main building~~, the use of which is incidental to that of the main or principal building, and which is located on the same lot therewith.
or take any action relative thereto.

By Planning Board

Summary:

This article amends the definitions section of the Town of Eastham’s Zoning By-laws in order to reduce confusion regarding appropriate setback distances for attached and detached accessory structures. Any attached accessory building has the same setback as the main building it is attached to.

8. Article ## To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by amending the following definition, by striking and deleting the phrase “used or intended to be used for living, sleeping, cooking or eating purposes,”:

SITE COVERAGE – The sum of the gross horizontal area of the floors of a dwelling ~~used or intended to be used for living, sleeping, cooking or eating purposes~~, excluding cellar, attic, farmer’s porch and basement floor area not devoted to residential use, plus the square footage of any roofed permanent accessory structure or garage and screened porch or covered deck.

By Planning Board

Summary:

This article amends the definitions section of the Town of Eastham’s Zoning By-laws in order to reduce confusion regarding the methodology in calculating site coverage to be used in determining whether a project meets a “trigger” for Residential Site Plan Approval. By striking the phrase, applicants must include all roofed structures on a lot in their calculation, including areas such as hallways, closets and storage areas. One of the purposes of Residential Site Plan Approval is to maintain the character of Eastham by reviewing the massing of homes in Eastham and clarifies the method of calculation.

9. Article ## To see if the Town will vote to amend Section IX.B. of the Town of Eastham Zoning By-laws by adding the following section:

8. Setback requirements for detached accessory buildings used for any purpose, regardless of when the lot was created, the distance to the adjoining side and rear property line shall be a minimum of 12’, or the maximum height of the accessory structure.

By Planning Board

Summary:

This article amends the Intensity Regulations and Setback requirements for detached accessory buildings. The Planning Board has seen an increase in the number of conversions of storage space over garages to additional bedrooms or home offices. This amendment seeks to meet the needs of residents by maximizing space, while maintain neighborhood characteristics by preserving privacy for abutters.

**Michael Cole, Chairman
Eastham Planning Board
The public is invited to attend and be heard.**